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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,919	05/04/2005	Stephen Taylor	P/63604	5428
156 7590 02/23/2007 KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			EXAMINER WOO, STELLA L	
			ART UNIT	PAPER NUMBER
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/506,919

Applicant(s)

TAYLOR ET AL.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-93 and 95-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-93, 95-97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 48-66, 72-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hultgren (US 6,868,391 B1) in view of Force et al. (US 2003/0130921 A1, hereinafter "Force").

Hultgren discloses a method of using a telecommunications network cashless transaction service comprising the steps of:

a) accessing the service by a user using a telecommunications network access instrument (mobile telephone 60) which produces a signal (using mobile telephone 60, customer dials the directory number of the telepay TSN 30; col. 4, lines 50-53; col. 6, lines 18-20),

b) forwarding the access instrument signal to an interface device of the telecommunications network (the call is routed through PSTN 50 to telepay TSN 30; col. 6, lines 19-23),

c) extracting service identity dialed directory number indicates the service; col. 4, lines 50-53) and user identity data (customer identifier is obtained from the call signaling; col. 6, lines 23-26) from the access instrument

signal by operation of the interface device (customer communication interface 202-1),

d) passing the data to a processing unit (computer 30C; col. 5, lines 5-9),

e) processing the data by operation of the service processing unit (col. 5, lines 5-9),

f) instructing the interface device to forward the access instrument signal to an input output device (peripheral 30P includes prompt generator interface 202-2 and information collector interface 202-3; col. 5, lines 11-14),

g) instructing the input output device to request details of a cashless transaction from the user (prompt generator interface 202-2 is directed to issue a series of prompts to request transaction details from the customer; col. 6, lines 28-41),

h) sending transaction details to the input output device (the transaction details are sent to the input output device (information collector 202-3 receives the customer input; col. 5, lines 11-13; col. 6, lines 44-50),

i) passing the transaction details to the service processing unit (the collected information is passed to a transfer coordination module 206 of TSN 30; col. 6, lines 51-56),

j) processing the transaction details and deciding whether or not the transaction can proceed (TSN 30 determines whether or not the transaction is authorized; col. 7, lines 18-34), said processing being performed entirely within

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the telecommunications network irrespective of the service identity and a vendor that supplies the service (TSN 30 is a service control point of an intelligent network; col. 12, lines 6-8),

k) causing output of a signal conveying acceptance or rejection of the transaction to the user (if the authorization message is negative, an invalid notification is sent to customer mobile station 60, col. 7, lines 39-42; if the authorization message is positive, the customer is notified by being prompted to verify the transaction, col. 8, lines 17-21), and

l) if the transaction can proceed, arranging for the transaction to be carried out by operation of the service processing unit (when the transaction is approved by both parties, the transfer coordination module 206 directs the funds transfer authorization module 210 to authorize initiation of the funds transfer; col. 8, line 66 – col. 9, line 18).

Hultgren differs from the claims in that although teaches that the transaction details include vendor identification data (merchant identifier; col. 6, line 38), it does not specify the vendor identification data as including a code associated with a branch of the vendor. However, Force shows an electronic transaction system and teaches the well known use of a vendor ID code to identify the particular branch at which the transaction is taking place (paragraph 112) such that it would have been obvious to an artisan of ordinary skill to incorporate the well known use of a vendor branch identifier, as taught

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by Force, within the method of Hultgren in order to identify a particular vendor branch when the vendor comprises multiple branch locations.

Regarding claim 49, PSTN 50 includes both landline and radio communication links (col. 3, lines 43-58).

Regarding claim 53, PSTN 50 includes SSP 40 (col. 6, lines 20-21).

Regarding claim 54, the customer's identifier is the customer directory number (col. 6, lines 24-25; col. 13, lines 33-47).

Regarding claim 55, TSN 30 includes an SCP (col. 12, lines 6-8).

Regarding claim 57, peripheral 30P receives and interprets DTMF or voice responses and also generates voice prompts (col. 5, lines 11-14; col. 6, lines 27-36).

Regarding claims 58-63, 65-66, prompt generator interface 202-2 prompts the customer for the merchant identifier and the transaction amount (col. 6, lines 35-50).

Regarding claim 64, note merchant communication module 204 (col. 5, lines 33-37).

Regarding claims 76, 80-83, the transaction verification process is conducted with the merchant communication module 204 (col. 8, lines 52-56; col. 9, lines 23-25).

Regarding claims 84-86, the transaction details can be provided to a customer's credit card billing service or telephone company billing service (col. 13, lines 1-49).

Regarding claims 87-90, the customer can be required to enter a PIN for security purposes (col. 6, lines 39-41).

3. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hultgren in view of Force, and further in view of Busch, Jr. et al. (US 5,408,513, hereinafter "Busch").

The combination of Hultgren and Force differs from claim 67 in that it does not specify using an audio coupler. However, Busch teaches the well known use of an audio coupler (Figures 1 and 2) for carrying out a cashless transaction service using a telephone device (Abstract; col. 4, lines 40-48) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of an audio coupler, as taught by Busch, within the combination of Hultgren and Force so that less interaction is required by the customer.

4. Claims 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hultgren, Force and Busch, as applied to claim 67 above, and further in view of Burns (US 4,201,887).

The combination of Hultgren, Force and Busch differs from claims 68-71 in that it does not specify the audio coupler as having a memory. However, Burns teaches that it is old and well known to include within an acoustic coupling device a memory (terminal 2 includes a memory 24 and acoustic coupler 16; Figure 2) such that it would have been obvious to an artisan of ordinary skill to incorporate a memory within the acoustic coupler of Hultgren and Busch so that the user need not manually enter certain data, such as the

merchant identifier (Hultgren; col. 6, lines 35-38), such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a memory within the acoustic coupling device of Hultgren, Force and Busch in order to simplify the purchasing process.

5. Claims 95-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hultgren in view of Force, as applied to claims 82, 91 and 92 above, and further in view of Griffith (US 6,195,541 B1).

The combination of Hultgren and Force differs from claims 95-97 in that it does not teach the causing of an acceptance or rejection signal to be output to the user as comprising deriving data identifying the link from the transaction details. However, Griffith teaches the desirability of sending an acceptance or rejection signal via a separate call to the merchant's transaction unit 106 using the identification number of the transaction unit 106 received from the wireless telephone 103 as part of the transaction detail information (col. 3, lines 36-40; col. 4, lines 54-66). It would have been obvious to an artisan of ordinary skill to incorporate such transmission of the acceptance/rejection signal to the merchant's terminal as well the mobile telephone, as taught by Griffith, within the combination of Hultgren and Force in order to confirm that the correct transaction is taking place.

Response to Arguments

6. Applicant's arguments with respect to claims 48-93, 95-97 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo
Primary Examiner
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